

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ARTHUR GREENSTEIN
Plaintiff,

vs.

**THE TRAVELERS HOME AND
MARINE INSURANCE COMPANY,**
Defendant.

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CIVIL ACTION NO. 3:15-cv-699

JURY

DEFENDANT’S NOTICE OF REMOVAL

Defendant The Travelers Home and Marine Insurance Company (“Travelers” or “Defendant”) files its Notice of Removal of this action from the 191st Judicial District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, the Court for the District and Division encompassing the place where the lawsuit is currently pending. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Travelers shows this Court as follows:

1. On January 13, 2015, Plaintiff Arthur Greenstein (“Plaintiff”) commenced an action in the 191st Judicial District Court of Dallas County, Texas, styled *Arthur Greenstein vs. The Travelers Home and Marine Insurance Company*, where it was assigned Cause No. DC-15-00383.

2. On February 13, 2015, Travelers was served with a citation. Removal is timely because thirty (30) days have not elapsed since any defendant was served with a summons or citation. 28 U.S.C. §1446(b)(1); *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (holding that the 30-day deadline to remove begins on the date the summons or citation is served even if the complaint is received at a prior date).

3. Travelers is, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal to the clerk of the 191st Judicial District Court of Dallas County, Texas, and will serve a copy of the Notice of Removal on Plaintiff.

4. In accordance with Local Rule 81.1, attached as Exhibit “A” is a copy of all state court materials. Travelers has also filed contemporaneously with this Notice a civil cover sheet, a supplemental civil cover sheet, and a separately signed certificate of interested persons and disclosure statement that complies with Local Rule 3.1(c) and Rule 7.1 of the Federal Rules of Civil Procedure.

GROUND FOR REMOVAL: DIVERSITY

5. This Court has original jurisdiction over this case under 28 U.S.C. § 1332 because this is a civil action between citizens of different States where the matter in controversy exceeds \$75,000.

(a) The Amount in Controversy Exceeds the Federal Minimum Jurisdictional Requirements.

6. “Plaintiff seeks monetary relief over \$1,000,000.00.” *See* Ex. A-2 at ¶ 70. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs.

(b) Complete Diversity between Plaintiff and Defendant Exists.

7. Plaintiff was at the time of the filing of this action, has been at all times since, and is still an individual resident citizen of the State of Texas. For diversity purposes, an individual is a citizen of the state of his domicile, which is the place of his true, fixed, and permanent home and principal establishment, to which he has the intention of returning home whenever he is absent therefrom. *See Stine v. Moore*, 213 F.2d 446, 448 (5th Cir. 1954). According, Plaintiff is a citizen of Texas.

8. Under the diversity statute, corporations “shall be deemed to be a citizen of every state and foreign state by which it has been incorporated and the state or foreign state where it has its principal place of business. . . .” 28 U.S.C. § 1332(c)(1). Travelers is a corporation organized under the laws of the State of Connecticut with its principal place of business in the State of Connecticut. Accordingly, Travelers is a citizen of Connecticut.

9. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while Defendant is a citizen of Connecticut, this Court has original jurisdiction over the present action pursuant to 28 U.S.C. § 1332. Removal is therefore proper.

WHEREFORE, Travelers prays that the above-described action now pending in the 191st Judicial District Court of Dallas County, Texas be removed to this Court.

Respectfully submitted,

/s/ Wm. Lance Lewis
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MARCIE L. SCHOUT
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**ATTORNEYS FOR DEFENDANT
THE TRAVELERS HOME AND MARINE
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of March, 2015, a true and correct copy of the foregoing document was served, via electronic case filing, in accordance with the Federal Rules of Civil Procedure, upon Plaintiff's counsel:

Scott G. Hunziker
THE VOSS LAW FIRM, P.C.
26619 Interstate 45 South
The Woodlands, Texas 77380.

/s/ Marcie L. Schout
Marcie L. Schout